

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.)) Criminal No. 04-96
)
 RONALD LENWOOD WINGFIELD)

Order of Court Denying Certificate of Appealability

Before this Court is the Order of the United States Court of Appeals for the Third Circuit remanding this case for the purpose of either issuing a certificate of appealability or stating reasons why a certificate of appealability should not issue. A certificate of appealability is required by 28 U.S.C. § 2253 (c) before a petitioner who has been denied relief may appeal to a Court of Appeals. As amended by AEDPA, Section 2253 provides that “[a] certificate of appealability may issue . . . only if the applicant has made a substantial showing of the denial of a constitutional right.” In order to make a “substantial showing of the denial of a constitutional right,” the habeas “petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” Slack v. McDaniel, 529 U.S. 473, 484 (2000). It does not appear that reasonable jurists would find the disposition to be debatable or wrong. Rather, for the reasons more fully set forth in Doc. No. 112, petitioner has not made a substantial showing of the denial of a constitutional right. Accordingly, a certificate of appealability is DENIED.

SO ORDERED this 5th day of December, 2008.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: All counsel of record

